

(PCT Article 36 and Rule 70)

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/JP	Authorized officer
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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/003623

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-108 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-16, 18-22 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 17 _____ received by this Authority on 18.01.2005
- nos.* _____ received by this Authority on _____
- ☐ the drawings:
- sheets _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/003623

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	1-22	YES
	Claims		NO
Inventive step (IS)	Claims	1-22	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-22	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
<p>Documents 1 and 2 listed below are cited in the international search report.</p> <p>Document 1: WO 01/015658 A (Kanebo, Ltd.)</p> <p>Document 2: US 2567110 A (Corning Glass Works)</p> <p>Document 1 discloses a cosmetic prepared according to the formula $[(CH_3)_3SiO]_3SiCH_3$ (hereinafter referred to as "compound 2") which exhibits excellent volatility and feeling to the touch as well as excellent stability and the aforementioned compound 2 and the compound $[(CH_3)_3SiO]_4Si$ (hereinafter referred to as "compound 1") set forth in the present application have identical chemical structures with the exception of one substituent group that bonds to the silane group.</p> <p>Moreover, document 2 (column 5 and examples 20-21) indicates that both compound 1 and compound 2 are prepared using some of the same starting materials.</p> <p>However, (1) document 2 does not make any suggestion that the aforementioned compound is used as a cosmetic substance and (2) it is clear from the disclosures in embodiment 12 and comparative example 23 and example 17</p>			

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and comparative example 29 on page 73 of the present description that, compared with compound 2, compound 1 is remarkably superior in terms of being a cosmetic substance. Therefore, although the chemical structures of both compounds are similar, the significant characteristics of compound 1 as a cosmetic substance could not have been expected.

Consequently, the inventive step of the invention set forth in this application cannot be denied.